

are requested to register with the Secretary prior to the hearing.

Dated: May 9, 1995.

Susan M. Weisman,
Secretary.

[FR Doc. 95-12070 Filed 5-16-95; 8:45 am]

BILLING CODE 6360-01-P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Office of Administrative Law Judges; Intent To Compromise Claims, South Carolina Commission for the Blind

AGENCY: Department of Education.

ACTION: Notice of intent to compromise claims.

SUMMARY: The Department intends to compromise claims against the South Carolina Commission for the Blind (Commission) now pending before the Office of Administrative Law Judges (OALJ), Docket Nos. 93-131-R and 93-141-R (20 U.S.C. 1234a(j)).

DATES: Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before July 3, 1995.

ADDRESSES: All comments concerning this notice should be addressed to Jeffrey B. Rosen, Office of the General Counsel, U.S. Department of Education, 600 Independence Avenue SW., Room 5411, FB-10B, Washington, D.C. 20202-2242.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Rosen. Telephone: (202) 401-6009. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Pursuant to the Single Audit Act of 1984 (P.L. 98-502) and the provisions of Office of Management and Budget (OMB) Circular A-128, the Office of the State Auditor, State of South Carolina, conducted an audit of the Commission for the period July 1, 1987 through June 30, 1989. A final audit report was issued on February 11, 1993 (ACN: 04-23147 SC) (hereinafter "SC I").

Based upon this audit report, the Regional Commissioner, Region IV, Rehabilitation Services Commission, U.S. Department of Education (ED), issued a Preliminary Department Decision (PDD) on September 28, 1993 in which he requested that the Commission repay \$294,232 of funds misspent under Title I of the Rehabilitation Act of 1973, as amended

(the Act), 29 U.S.C. 701 et seq. There were seven different monetary findings as follows:

- a. Finding 1(b)—\$8,528.23—Unallowable vehicle purchase.
- b. Finding 2—\$1,217.00—Purchases not properly allocated to particular cost objectives.
- c. Finding 4—\$51,294.74—Time distribution records not maintained for employees.
- d. Finding 6(a)—\$205,640.00—Documentation not maintained for Federal activities.
- e. Finding 8—\$8,109.41—Computer lease payments not properly allocated.
- f. Finding 9—\$17,614.62—Expenditures obligated after project end.
- g. Finding 12—\$1,828.00—Unallowable interest charges.

On October 27, 1993 the Commission filed an application for review of the PDD with the Office of Administrative Law Judges (OALJ). On September 26, 1994, the Regional Commissioner filed a Notice of Reduction of Claim notifying the OALJ that, based upon new information submitted by the Commission, Finding 6(a) was reduced by \$139,353.37. Thus, the total amount outstanding in the appeal was reduced to \$154,878.63.

The Office of the State Auditor conducted another audit covering the period July 1, 1990 through June 30, 1991. A final audit report was issued on February 23, 1993 (ACN: 04-23165G SC) (hereinafter "SC II"). In SC II, the Regional Commissioner issued a PDD on September 29, 1993 in which he requested that the Commission repay \$129,369.26 of funds under the Act. There were three different monetary findings as follows:

- a. Finding 1—\$88,805.26—Time distribution records not maintained for employees.
- b. Finding 2—\$18,156.80—Using funds under the Act for unallowable expenditures.
- c. Finding 3—\$22,407.20—Purchases not properly allocated to particular cost objectives.

The Commission filed an appeal of the PDD with the OALJ on November 3, 1993.

The Commission and ED have agreed to settle all of the issues in these cases. The outstanding amounts in the two cases are covered by the Settlement Agreements.

Under the terms of the proposed agreement in SC I, the Commission owes ED a total of \$68,955. This repayment amount, including four percent interest accruing from July 15, 1995, is to be paid in three equal annual

payments of \$23,904 beginning July 15, 1995 and continuing through July 15, 1997. The Commission would be assessed interest at a rate of four percent per year if any of the foregoing payments are not made in a timely fashion. Failure to make timely payment within 20 days would result in a late payment fee of 10 percent of the payment due. Finally, under the agreement, the parties would jointly move for dismissal of the appeal.

For the following reasons, ED recommends approval of the proposed Settlement Agreement in SC I. The Commission has agreed to repay in full the cost disallowances in Findings 1, 2, 8, and 12. In Finding 9, ED determined that there was insufficient evidence of harm to the Federal interest and, as a result, agreed not to seek any recovery on this issue in the agreement.

With respect to Finding 4, which pertains to a time distribution issue for employees, the parties agreed that the Commission should repay \$15,826, which represents a repayment of greater than 30 percent of the original disallowed amount of \$51,294.74. The evidence presented by the Commission demonstrated that the employees in question worked a substantial portion of time on grant activities. Although the Commission clearly had an obligation to keep time distribution records, it presented other less reliable and circumstantial evidence that could persuade an administrative law judge or a Federal court to rule in substantial part or in full for its position.

With respect to the final issue, Finding 6(a), ED originally recommended a cost disallowance of \$205,640 for the failure of the Commission to maintain proper documentation for Federal activities. Following an on-site review of the documentation in question in this issue, ED agreed to reduce the cost disallowance to \$66,286.63, which consisted of obligations the liquidation of which the Commission had been unable to verify. Notwithstanding the Commission's failure to satisfy its burden of providing this information, ED did not have evidence demonstrating that all of these outstanding obligations were, in fact, unliquidated or detailing the extent to which the Federal interest was harmed. In order to reach a settlement of all the issues in this case, ED agreed to a 50 percent payback of \$33,143 on this issue.

Based upon the foregoing, ED believes that it is prudent to accept the settlement offer in SC I, which represents almost 45 percent of the disallowed costs outstanding in this case.

Under the terms of the proposed agreement in SC II, the Commission owes ED a total of \$71,044. This repayment amount, including four percent interest accruing from July 15, 1995, is to be paid in three equal annual payments of \$24,628 beginning July 15, 1995 and continuing through July 15, 1997. The Commission would be assessed interest at a rate of four percent per year if any of the foregoing payments are not made in a timely fashion. Failure to make timely payment within 20 days would result in a late payment fee of 10 percent of the payment due. Finally, under the agreement, the parties would jointly move for dismissal of the appeal.

For the following reasons, ED recommends approval of the proposed Settlement Agreement in SC II. The Commission has agreed to repay in full the cost disallowances in Findings 2 and 3. With respect to Finding 1, which pertains to a time distribution issue for employees, the parties agreed that the Commission should repay \$30,480, which represents a repayment of over 30 percent of the original disallowed amount of \$88,805.26. The evidence presented by the Commission demonstrated that the employees in question worked a substantial portion of time on grant activities. Although the Commission clearly had an obligation to keep time distribution records, it presented other less reliable and circumstantial evidence that could persuade an administrative law judge or a Federal court to rule in substantial part or in full for its position.

Based upon the foregoing, ED believes that it is prudent to accept the settlement offer in SC II, which represents almost 55 percent of the original costs disallowed in the PDD for this finding.

If these issues are not settled, ED will incur further litigation costs. Additional discovery efforts would be necessary before these cases can be litigated. Furthermore, it is unlikely that ED would be able to recover 100 percent of the cost disallowance for the time distribution issues in SC I and SC II and the failure to maintain documentation issue in SC I. The recovery amounts for these issues not only reflect the demonstrated harm to the Federal interest, but were essential to the overall settlements that were agreed to by the parties.

There are even litigation risks with respect to the issues the Commission has conceded in the Settlement Agreements. If these issues are litigated, ED would run the risk of not recovering 100 percent. Moreover, the Commission would have the right to appeal any

decision to the U.S. Court of Appeals. See 20 U.S.C. 1234g. There is no certainty that ED would recover 100 percent on these issues as is contemplated in the Settlement Agreements.

After weighing the risks in litigating the issues that are the subject of the settlements, it is ED's assessment that the proposed Settlement Agreements are the most advantageous resolution of the outstanding issues in these cases.

The public is invited to comment on the Department's intent to compromise these claims. Additional information may be obtained by writing to Jeffrey B. Rosen at the address given at the beginning of this notice.

Program Authority: 20 U.S.C. 1234a(j) (1990)

Dated: May 11, 1995.

Donald R. Wurtz,
Chief Financial Officer.

[FR Doc. 95-12068 Filed 5-16-95; 8:45 am]

BILLING CODE 4000-01-P

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 17, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue SW., Room 5624, Regional Office Building 3, Washington DC 20202-4651.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill, (202) 708-9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339

between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review has been requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: May 11, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Management

Type of Review: Expedited

Title: Epidemiological Study of Office of Educational Research and Improvement (OERI) Employees

Frequency: One time

Affected Public: Individual and households

Reporting Burden:

Responses: 600

Burden Hours: 200

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: Federal employees in OERI are concerned about a continuing increase in the number of diagnosed cancer cases and adverse reproductive outcomes in their workplace since 1988. This study will determine the variation from comparable prevalence and mortality profiles.

Additional Information: Clearance for this information collection is requested for May 17, 1995. An expedited review is requested in order to implement the survey as soon as possible.

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